

**REMARKS**

Applicant concurrently files herewith an excess claim fee for (1) one independent claims.

Claims 1-5 and 7-34 are pending in the application. This Amendment currently amends claims 1-5, 7-9, and 14-33, cancels claim 6 without prejudice or disclaimer, and adds new claim 34. No new matter is added to currently amended claims 1-5, 7-9, and 14-33, or to new claim 34. Claims 1-5, 7-9, and 14-33 are currently amended to merely clarify the subject matter of the claims and in no way narrow the scope of the claims in order to overcome the prior art or for any other statutory purpose of patentability.

Notwithstanding any claim amendments of the present Amendment or those amendments that may be made later during prosecution, Applicant's intent is to encompass equivalents of all claim elements. Reconsideration in view of the foregoing amendments and the following remarks is respectfully requested.

With respect to the prior art rejections, claims 1-33 stand rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 5,848,064 to Cowan.

This rejection is respectfully traversed in view of the following discussion.

**I. THE CLAIMED INVENTION**

The claimed invention, as described in claim 1, is directed to a terminal device that comprises a memory storing therein at least two programs, each of the at least two programs comprising one of a to-be-used program and a to-be-removed program, according to a function of the terminal device, and a memory management table, which stores data about whether each of the at least two programs comprises the to-be-used program or the to-be-removed program, and causes a the to-be-removed program to be removed from the memory.

The claimed invention, as described in claim 5, is directed to a terminal device that comprises a first memory storing at least one transferred program, a second memory storing a main program and an application program, a third memory storing data in a table, about whether each of the main program and the application program comprises one of a to-be-used program and a to-be-removed program, a signal-receiving and -transmitting circuit for receiving and transmitting a signal to a base station, and a central processing unit which controls an operation of the first memory, the second memory, the third memory, and the signal-receiving and -transmitting circuit.

The claimed invention, as described in claim 15, is directed to a system for changing programs stored in a terminal device that comprises a base station, a program-transferring device which transfers a transferred program to the base station, and a terminal device which downloads the transferred program from the program-transferring device through the base station, the terminal device including a memory storing therein at least two programs, each of the at least two programs comprising one of a to-be-used program and a to-be-removed program, according to a function of the terminal device, and a memory management table, which stores data about whether each of the at least two programs comprises the to-be-used program or the to-be-removed program, and causes a the to-be-removed program to be removed from the memory.

The claimed invention, as described in claim 22, is directed to a system for changing programs stored in a terminal device that comprises a base station, a program-transferring device which transfers at least one transferred program to the base station, and a terminal device which downloads the at least one transferred program from the program-transferring device through the base station, the terminal device including a first memory storing the at least one transferred program, a second memory storing a main program and an application program, a third memory storing data in a table, about whether each of the main program and the application program comprises one of a to-be-used program and a to-be-removed program, a signal-receiving and -transmitting circuit for receiving and transmitting a signal to a base station, and a central processing unit which controls an operation of the first memory, the second memory, the third memory, and the signal-receiving and -transmitting circuit.

The claimed invention, as described in claim 32, is directed to a method of changing programs stored in a terminal device that comprises storing a plurality of programs in a memory, each of the plurality of programs comprising one of a to-be-used program and a to-be-removed program, according to a function of the terminal device, and removing the to-be-removed program from the plurality of programs from the memory in accordance with data about whether each of the plurality of programs comprises one of a to-be-used program and a to-be-removed program.

The claimed invention, as described in claim 33, is directed to a method of changing programs stored in a terminal device including a first memory including a first area to store a transferred program transferred from a base station, a second memory including a second area

to carry out a program therein, and a third memory storing data about whether said transferred program stored in said first memory is used or not, that comprises calculating a check sum of said first memory, calculating a check sum of said second memory, comparing said check sum of said first memory to said check sum of said second memory, and booting said transferred program from said first memory to said second memory in accordance with data stored in said third memory, if said check sum of said first memory is not coincident with said check sum of said second memory.

An aspect of the present invention is to provide a terminal device, which is capable of efficiently adding a program, easily removing a program, and preventing a third party from illegally downloading a program.

## II. THE PRIOR ART REJECTION

### **The Cowan Reference**

Cowan discloses a wireless communication system that provides software upgrades, which are wirelessly transmitted to a mobile device, based on a determination of whether such an upgrade is necessary (col. 2, lines 37-40). During an initial boot-up procedure, each mobile device queries a host computer connected to a system backbone to identify a version of operating software, which is stored in the host computer (col. 2, lines 41-44). If the mobile device does not currently have the operating software version identified by the host computer, the mobile device prompts the host computer to download the version stored in the host computer (col. 2, lines 48-51).

When a system operator wishes to change the operating software of one or more mobile terminals 36 within the system 20, the system operator simply loads the upgraded software into the host computer 30 (col. 6, lines 41-44). When a mobile terminal is next rebooted, the mobile terminal 36 will detect that the host computer 30 has an upgraded version of operating software and will proceed to request that the upgraded software be downloaded (col. 6, lines 47-51).

Each mobile terminal 36 also includes a memory 50, which may include a non-volatile portion for storing mobile terminal operating software, which is executed by the processor 40 in order to carry out the desired operation of the mobile terminal 36 (col. 7, lines 13-19). The processor 40 also stores in the memory 50 information relating to the version of

mobile terminal operating software stored therein (col. 7, lines 38-40). The processor 40 compares this information with information received from the host computer 30 relating to the version of operating software for the mobile terminal 36, which is stored in the host computer 30 (col. 7, lines 40-44). If the host computer 30 has a different version of the operating software, the processor 40 proceeds to request that the host computer 30 download the new version and the processor 40 goes on to replace the previous operating software which was stored in the memory 50 with the upgraded operating software obtained from the host computer 30 (col. 7, lines 44-51).

Claims 1 and 15 recite at least the features of "a memory storing therein at least two programs, each of said at least two programs comprising one of a to-be-used program and a to-be-removed program."

Similarly, claim 32 recites at least the features of "storing a plurality of programs in a memory, each of said plurality of programs comprising one of a to-be-used program and a to-be-removed program, according to a function of said terminal device."

Cowan provides a mobile terminal that stores a version of operating software in its memory. Upon initial boot-up, the mobile terminal of Cowan queries a host computer whether the version of the operating software stored in its memory is the same as that stored in the host computer. If the host computer has a different version of operating software, the different version, in its entirety, is then loaded into the mobile terminal.

The claimed invention changes one or more existing programs in the mobile terminal by adding a new program, which is subsequently downloaded from a base station, or deleting an existing, but unused program, i.e., a to-be-removed program. Unlike Cowan, the claimed invention does not change programs only at initial boot-up and need not download the entirety of programs comprising a different version of operating software to effect a change of programs. Thus, the claimed invention only loads those new and necessary programs and only deletes those programs, which are not necessary to the new function of the terminal, rather than loading the entirety of a new operating program, as does Cowan.

Furthermore, nowhere does Cowan disclose, teach or suggest that at least two existing programs (or a plurality of programs) stored in the terminal are characterized as to-be-used or to-be-removed programs by the user's terminal because Cowan changes the entirety of the programs in the terminal, if the operating software version of the terminal's programs differ

from the version stored in the host computer. Cowan does not characterize individual programs within the entirety of the operating software of the terminal.

For at least the reasons outlined above, Applicant respectfully submits that Cowan does not disclose, teach or suggest every feature described in claims 1, 15, and 32.

Claims 5 and 22 recite at least the features of "a second memory storing a main program and an application program [and] ... a third memory storing data in a table, about whether each of said main program and said application program comprises one of a to-be-used program and a to-be-removed program."

As similarly argued above, nowhere does Cowan disclose, teach or suggest that the existing main program and the existing application program, stored in the terminal, are characterized as to-be-used or to-be-removed programs by the user's terminal because Cowan changes the entirety of the programs in the terminal, if the operating software version of the terminal's programs differ from the version stored in the host computer. Cowan does not characterize individual programs within the entirety of the operating software of the terminal and store these characterizations in a memory as described in claims 5 and 22.

For at least the reasons outlined above, Applicant respectfully submits that Cowan does not disclose, teach or suggest every feature of claims 5 and 22.

Claim 33 recites at least the features of "booting said transferred program from said first memory to said second memory in accordance with data stored in said third memory, if said check sum of said first memory is not coincident with said check sum of said second memory."

Cowan discloses that in the event the processor 40 determines that the host computer 30 has a new version of the operating system based on a difference between the version indicators, the processor continues to step 164 in which it stores in the memory 50 the contents of the package definition field 126 (col. 13, lines 29-34).

Nowhere does Cowan disclose, teach or suggest transferring a program from a first memory to a second memory based on data about the programs in the first and second memories, if checksums between the first and second memories differ.

For at least the reasons outlined above, Applicant respectfully submits that Cowan does not disclose, teach or suggest every feature of claim 33.

In summary, Applicant respectfully submits that for the reasons outlined above,

Cowan does not disclose, teach or suggest every feature of claims 1, 5, 15, 22, 32, and 33. Accordingly, Cowan does not anticipate, or render obvious, the subject matter of claims 1, 5, 15, 22, 32, and 33, and claims 2-4, 7-14, 16-21, and 23-31, which depend from claims 1, 5, 15, and 22. By this Amendment, claim 6 is canceled without prejudice or disclaimer; hence, the rejection of claim 6 is moot. Withdrawal of the rejection of claims 1-33 under 35 U.S.C. §102(b) as anticipated by Cowan is respectfully solicited.

### **III. THE 35 U.S.C. §112, SECOND PARAGRAPH, REJECTION**

Claim 32 is rejected under 35 U.S.C. §112, second paragraph, because "said memory" in line 5 lacks proper antecedent basis.

Applicant respectfully submits that amended claim 5 above provides proper antecedent basis. In particular, the claim element preceding the referred to "said memory" now includes the phrase "in a memory." Withdrawal of the rejection of claim 32 under 35 U.S.C. §112, second paragraph, is respectfully solicited.

### **IV. CONCLUSION**

Applicant provides herewith a photocopy of the USPTO's receipt dated postcard, which indicates that a certified copy of the priority document was filed on August 17, 2000. Please acknowledge receipt of the certified copy of the priority document in the next Office communication.

In view of the foregoing, Applicant submits that claims 1-5 and 7-34, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

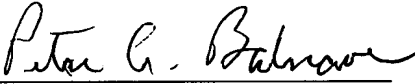
Serial No. 09/639,879  
Docket No. A243-1

17

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

Date: 8/28/03



Peter A. Balnave  
Reg. No. 46,199

**McGinn & Gibb, PLLC**  
8321 Old Courthouse Road  
Vienna, Virginia 22182-3817  
(703) 761-4100  
**Customer No. 21254**

SMM:ep  
AMA.026

Hand Delivered

**New Application Post Card Filing Receipt and  
Request for Early Notification of Serial Number**

Attorney's Docket Number: A243-1 ☒ Patent ☐ Trademark  
Applicant's Name: Shikuya, T. Application Filing Date: 8/17/00

Title: System For Changing A Program . . . . . System

Papers Filed Herewith:

2 Pages Specification, Claims and Abstract 33 Total Claims 6 Independent Claims

7 Sheets ☒ Formal Drawings ☐ Informal Drawings ☒ Priority Document(s)  
☒ Patent Application Transmittal Sheet ☒ Declaration/Power of Attorney  
☒ IDS ☒ 1449 Form w/ 5 Documents ☒ Assignment ☐ Recordation Cover ☐  
Other # 4079

Fees Filed Herewith: \$ 1,198 ☒ Check ☐ Charge Deposit Account: \_\_\_\_\_

SMM:ep  
AMA.026

(JP)

Hand Delivered

**New Application Post Card Filing Receipt and  
Request for Early Notification of Serial Number**

Attorney's Docket Number: A243-1 ☒ Patent ☐ Trademark  
Applicant's Name: Shikuya, T. Application Filing Date: 8/17/00

Title: System For Changing A Program . . . . . System

Papers Filed Herewith:

2 Pages Specification, Claims and Abstract 33 Total Claims 6 Independent Claims

7 Sheets ☒ Formal Drawings ☐ Informal Drawings ☒ Priority Document(s)  
☒ Patent Application Transmittal Sheet ☒ Declaration/Power of Attorney  
☒ IDS ☒ 1449 Form w/ 5 Documents ☒ Assignment ☐ Recordation Cover ☐  
Other # 4079

Fees Filed Herewith: \$ 1,198 ☒ Check ☐ Charge Deposit Account: \_\_\_\_\_







FIG. 5

